IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 25086 of 2001

Between:

..... PETITIONER

A.P. Power Generation Corporation rep. By its Chairman & Managing Director & another.

AND

1. The Deputy Commissioner of Labour, Zone-II, Eluru, W.G.Dist
2. Y.Surya Bhagavan, s/o Saheb, 30l years
3. B.Eswar Reddy, s/o Saheb Reddy, 30 years
4. V.Satyanarayana, s/o Ramachandram, 28years,
5. Ch.L.Narasimham s/o Ch.Sarma, 28years,
6. Ch.Narasimha Raju s/o Ch.Venkateswara Rao, 26 years,
7. S.D.Sobhagya Rao, s/o Malleswara Rao, 26years,
8. K.John Babu s/o Mathew, 27 years
9. T.Ramesh, s/o Venkata Narayana, 25 years
10. K.Nagesh @ Mahesh, s/o Purushotham, 26 years

(All are contract labour, Vijayawada Thermal Power Station, Ibrahimpatnam, Krishna District.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more fully in the nature of Writ of Mandamus declaring the report of the respondent No.1 dated 19-09-2001, as illegal, improper, arbitrary and consequently declare the respondents 2 to 10 are not entitled for absorption in the service of A.P.Genco.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondent No.1: G.P. for Labour.

Counsel for the Resspondent Nos. 2 to 10: Mr. G.V. Shivaji

The Court made the following :

ORAL ORDER:

Issues identical to those arising in this writ petition have fallen for consideration before this court in W.P.No. 4211 of 2002. This writ petition was dismissed by the judgment dated 16-06-2004 recording the reason that on the analysis of the order of the 1st respondent dated 19-02-2001, there was no infirmity therein warranting interference under Article 226 of the Constitution of India.

For reasons alike as recorded in the judgment dated 16-06-2004 supra, this writ petition is also dismissed. Pursuant to the report of the 1st respondent dated 19-09-2001 and in accordance with the judgment of this court dated 24-03-2000 in W.P.No. 15507 of 1999, the writ petitioners are required to consider the case of respondent Nos. 2 to 10 herein for their absorption into the petitioners' services within six (6) weeks.

It is represented by Mr. S. Ravindranath, learned counsel for the petitioner herein that the earlier policy contained in B.P.Ms.No.37 dated 18-05-1997 has since been withdrawn in G.OO.Ms.No. 697 dated 03-02-2003. If that be so, the writ petitioners are always at liberty to pass appropriate orders on the

representations/claims of respondent Nos. 2 to 10 herein for their absorption in accordance with law. No costs.

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GODA RAGHURAM, J

Dt. 09-07-2004

Pvks/*

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Dy. Commissioner of Labour, Zone-II, Eluru, W.G.District

2.CCs to G.P. for Labour.

3.2CD copies